

REFERENCE TITLE: technical registration board repeal; ROC

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1171

Introduced by
Senator Chevront

AN ACT

CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, TO "REGISTRAR OF CONTRACTORS"; AMENDING SECTIONS 12-1000, 12-1001, 27-107, 27-151, 32-101, 32-106, 32-106.01, 32-106.02, 32-107, 32-108, 32-109, 32-110, 32-111, 32-112, 32-121, 32-122, 32-122.01, 32-122.02, 32-122.03, 32-122.04, 32-123, 32-124, 32-125, 32-126, 32-127, 32-128, 32-129, 32-131, 32-141, 32-144, 32-145, 32-146, 32-147, 32-148, 32-149, 32-150, 32-151, 32-152, 41-1092, 41-3014.08 AND 49-218, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-102, 32-103, 32-104, 32-105 AND 41-3016.11, ARIZONA REVISED STATUTES; RELATING TO ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, HOME INSPECTORS, LANDSCAPE ARCHITECTS AND SURVEYORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1000, Arizona Revised Statutes, is amended to
3 read:

4 12-1000. Clandestine drug laboratories; notice; cleanup;
5 residual contamination; civil penalty; immunity;
6 restitution; violation; classification

7 A. If a peace officer discovers a clandestine drug laboratory or
8 arrests a person for having on any real property chemicals or equipment used
9 in manufacturing methamphetamine, ecstasy or LSD or a derivative of
10 methamphetamine, ecstasy or LSD, the peace officer:

11 1. At the time of the discovery or arrest, shall deliver a copy of the
12 notice of removal pursuant to subsection B of this section to the owner of
13 the real property if the owner is on the site at the time of delivery, the
14 on-site manager if the manager is on the site at the time of delivery or the
15 on-site drop box if available. In the case of a tenant-owned unit in a space
16 rental mobile home or recreational vehicle park, the officer shall deliver a
17 copy of the notice of removal to the occupant of the unit if the occupant is
18 on site at the time of delivery and to the on-site park landlord if the park
19 landlord is on site at the time of delivery.

20 2. Within two business days after the discovery or arrest, shall send
21 the notice of removal by certified mail to the owner of the real property and
22 the owner's on-site manager or, in the case of a space rental mobile home or
23 recreational vehicle park, to the owner of the mobile home or recreational
24 vehicle, if applicable, and to the park landlord. These persons are deemed
25 to receive the notice of removal five days after the notice is mailed. The
26 notice shall be sent to the following:

27 (a) The owner's address on file with the county assessor. The county
28 shall waive any fee or charge for the owner's address information.

29 (b) The county health department.

30 (c) The appropriate local fire department.

31 (d) The ~~state board of technical registration~~ REGISTRAR OF
32 CONTRACTORS.

33 3. After a law enforcement or other agency removes the gross
34 contamination on the real property, shall order the removal of all persons
35 from the residually contaminated portion of the real property or dwelling
36 unit, if applicable, or, in the case of a space rental mobile home or
37 recreational vehicle park, from the unit located on the real property.

38 4. After the peace officer removes all persons pursuant to paragraph 3
39 of this subsection, shall affix the notice of removal in a conspicuous place
40 on the real property or, in the case of a space rental mobile home or
41 recreational vehicle park, on the unit located on the real property. The
42 notice of removal shall state that it is unlawful for any person other than
43 the owner, landlord or manager to enter the residually contaminated portion
44 of the property until the owner remediates the residually contaminated
45 portion of the property.

1 B. The notice of removal shall be in writing and shall contain all of
2 the following:

3 1. The word "warning" in large bold type at the top and bottom of the
4 notice.

5 2. A statement that a clandestine drug laboratory was seized or a
6 person was arrested on the real property for having chemicals or equipment
7 used in the manufacturing of methamphetamine, ecstasy or LSD on the real
8 property.

9 3. The date of the seizure or arrest.

10 4. The address or location of the real property, including the
11 identification of any dwelling unit, room number, apartment number or vehicle
12 number.

13 5. The name of the law enforcement agency or other agency that seized
14 the clandestine drug laboratory or made the arrest and the agency's contact
15 telephone number.

16 6. A statement that hazardous substances, toxic chemicals or other
17 waste products may still be present on the real property or, in the case of a
18 space rental mobile home or recreational vehicle park, in the unit located on
19 the real property.

20 7. A statement that it is unlawful for any unauthorized person to
21 enter the residually contaminated portion of the real property or, in the
22 case of a space rental mobile home or recreational vehicle park, the unit
23 located on the real property, until the owner, landlord or manager
24 establishes that the portion of the real property noticed as residually
25 contaminated has been remediated by a drug laboratory site remediation firm.

26 8. A statement that it is a class 6 felony to violate this section.

27 9. A statement that it is a class 2 misdemeanor to disturb the notice
28 of removal posted on the real property.

29 10. A statement that the owner of the real property shall remediate the
30 residually contaminated portion of the property in compliance with subsection
31 C of this section.

32 11. A statement that if an owner fails to provide any notice required
33 by this section, the owner is subject to a civil penalty and a buyer, tenant
34 or customer may void a purchase contract, rental agreement or other
35 agreement.

36 C. The owner of the real property shall remediate the residually
37 contaminated portion of the real property within twelve months after the date
38 of notice of removal by retaining a registered drug laboratory site
39 remediation firm pursuant to title 32, chapter 1. If the owner of the real
40 property fails to remediate the property under this subsection, a county or
41 city in this state may remediate the property using a registered remediation
42 firm contracted by any county or city in this state with the cost of
43 remediation passed on to the property owner in the form of a lien on the
44 property title.

1 D. A drug laboratory site remediation firm that remediates the
2 residually contaminated portion of any real property pursuant to this section
3 shall comply with the requirements established and the best practices and
4 standards for remediation of residual contamination adopted by the ~~state~~
5 ~~board of technical registration~~ REGISTRAR OF CONTRACTORS pursuant to title
6 32, chapter 1. When remediation is complete, the drug laboratory site
7 remediation firm shall remove the posted notice and shall issue a document
8 stating that the residually contaminated portion of the real property has
9 been remediated. Within twenty-four hours after the remediation is complete,
10 the drug laboratory site remediation firm shall deliver the document or send
11 the document by certified mail to each person and entity listed in subsection
12 A, paragraph 2 of this section and the law enforcement agency that issued the
13 notice under that subsection. After the document has been issued, both of
14 the following apply:

15 1. The owner, landlord or manager of the real property is not required
16 to comply with subsection F of this section.

17 2. Any person may use, enter, occupy, rent or sell the real property.

18 E. The county health department shall maintain and make available on
19 request any documents that are received pursuant to subsection D of this
20 section.

21 F. The following notice requirements apply until the remediation is
22 complete as provided in subsection D of this section:

23 1. Within five days after a buyer signs a contract to purchase the
24 real property, the owner shall notify the buyer in writing that
25 methamphetamine, ecstasy or LSD was manufactured on the real property or that
26 an arrest was made pursuant TO this section. The buyer shall acknowledge
27 receipt of the notice. A buyer may cancel the real estate purchase contract
28 within five days after receiving the notice. If the owner does not comply
29 with this paragraph, the buyer may cancel the purchase contract.

30 2. The landlord shall notify a prospective tenant for a dwelling unit
31 that was the subject of the notice in writing that methamphetamine, ecstasy
32 or LSD was manufactured on the real property or that an arrest was made
33 pursuant to this section. The tenant shall acknowledge receipt of the notice
34 before taking possession of the real property or before signing a rental
35 agreement for the real property. The notice shall be attached to the rental
36 agreement. If the landlord does not comply with this paragraph, the tenant
37 may void the rental agreement.

38 3. Before a customer occupies a room that was the subject of the
39 notice, the owner or manager shall notify the customer in writing that
40 methamphetamine, ecstasy or LSD was manufactured in the room or that an
41 arrest was made pursuant to this section. If the owner or manager does not
42 comply with this paragraph, the customer may void the agreement.

43 4. The owner shall notify a buyer or prospective tenant in writing
44 that methamphetamine, ecstasy or LSD was manufactured in the mobile home or
45 recreational vehicle or that an arrest was made pursuant to this section.

1 The buyer shall acknowledge receipt of the notice before taking possession of
2 the mobile home or recreational vehicle. A buyer may cancel the purchase
3 contract within five days after receiving the notice. The tenant shall
4 acknowledge receipt of the notice before taking possession of the mobile home
5 or recreational vehicle or before signing a rental agreement for the mobile
6 home or recreational vehicle. The notice shall be attached to the rental
7 agreement. If the owner does not comply with this paragraph, the tenant may
8 void the rental agreement.

9 5. If a mobile home or recreational vehicle in a space rental park
10 contains a clandestine drug laboratory, the landlord, on receipt of a notice
11 pursuant to this section, shall notify the lienholder of record and the owner
12 of record of the unit to remove it from the park within thirty days. If the
13 unit is not removed within thirty days, the landlord may remove or demolish
14 the unit and dispose of it as junk and shall notify the department of
15 transportation of the demolition. A landlord that complies with this
16 subsection is not liable for such action.

17 G. If an owner fails to provide any notice required by this section,
18 the owner is subject to a civil penalty of one thousand dollars and is liable
19 for any harm resulting from the owner's failure to comply with the
20 requirements of this section.

21 H. A state or local government and a state or local government's
22 employees or authorized representatives are not responsible parties as
23 prescribed by section 49-283 and are not liable for costs or damages incurred
24 as a result of action taken in compliance with this section. This subsection
25 does not preclude liability for costs or damages that result from gross
26 negligence or intentional misconduct by a state or local government. For the
27 purposes of this subsection, "gross negligence" means reckless, wilful or
28 wanton misconduct.

29 I. A person who operates a clandestine drug laboratory and who is not
30 the owner of the real property shall pay restitution to the owner of the real
31 property for all costs that the owner incurred to remediate the property.

32 J. A person who knowingly violates an order or notice of removal that
33 is issued by a peace officer under this section is guilty of a class 6
34 felony. A person who knowingly disturbs a notice of removal posted on the
35 real property is guilty of a class 2 misdemeanor.

36 Sec. 2. Section 12-1001, Arizona Revised Statutes, is amended to read:
37 12-1001. Joint legislative oversight committee on residual
38 contamination of drug properties

39 A. The joint legislative oversight committee on residual contamination
40 of drug properties is established.

41 B. The committee consists of the following members:

42 1. Three members of the house of representatives who are appointed by
43 the speaker of the house of representatives, not more than two of whom shall
44 be members of the same political party.

1 2. Three members of the senate who are appointed by the president of
2 the senate, not more than two of whom shall be members of the same political
3 party.

4 3. One industrial hygienist who is appointed by the governor.

5 4. One member ~~of the board of technical registration~~ WHO PRACTICES A
6 PROFESSION THAT IS REGULATED UNDER TITLE 32, CHAPTER 1 AND who is appointed
7 by the governor or the ~~director of the board of technical registration~~
8 REGISTRAR OF CONTRACTORS.

9 5. One person who represents the residential real estate industry and
10 who is appointed by the governor.

11 6. One public health official from a county with a population of less
12 than four hundred thousand persons and one public health official from a
13 county with a population of four hundred thousand persons or more who are
14 appointed by the governor.

15 7. Two peace officers who are appointed by the Arizona peace officer
16 standards and training board.

17 8. One prosecutor from a county with a population of less than four
18 hundred thousand persons and one prosecutor from a county with a population
19 of four hundred thousand persons or more who are appointed by the Arizona
20 prosecuting attorneys' advisory council.

21 9. Two members of the public who are appointed by the governor.

22 10. The attorney general or the attorney general's designee.

23 C. The committee shall annually elect a chairperson from among its
24 members.

25 D. The attorney general shall submit best practices and standards for
26 the remediation of residual contamination found on real property from the
27 manufacture of methamphetamine, ecstasy or LSD or the storage of chemicals or
28 equipment used in manufacturing methamphetamine, ecstasy or LSD. ~~The
29 committee shall review the best practices and standards and forward them to
30 the state board of technical registration. The board shall adopt these best
31 practices and standards by rule not later than July 31, 2003.~~

32 E. The committee shall study and make recommendations regarding the
33 effectiveness of the program established by section 12-1000 and shall submit
34 a report of its findings and recommendations to the governor, the president
35 of the senate and the speaker of the house of representatives on or before
36 December 15 of each year. The committee shall provide a copy of this report
37 to the secretary of state and the director of the Arizona state library,
38 archives and public records.

39 Sec. 3. Section 27-107, Arizona Revised Statutes, is amended to read:
40 27-107. Director of department; compensation and reimbursement

41 A. The director of the department shall be appointed by the board. The
42 person appointed shall be a mining, metallurgical or geological engineer
43 graduated from an accredited school, shall be qualified by education and
44 experience in the minerals industry and shall possess a certificate of

1 registration as an engineer or a geologist, issued by the ~~state board of~~
2 ~~technical registration~~ REGISTRAR OF CONTRACTORS.

3 B. The director is entitled to receive compensation as determined
4 pursuant to section 38-611 and reimbursement of expenses pursuant to title
5 38, chapter 4, article 2.

6 Sec. 4. Section 27-151, Arizona Revised Statutes, is amended to read:

7 27-151. Arizona geological survey; state geologist; powers;
8 definition

9 A. The Arizona geological survey is established with offices located
10 in proximity to the university of Arizona in Tucson. The governor shall
11 appoint a state geologist, pursuant to section 38-211, to be the
12 administrative head of the Arizona geological survey and to serve at the
13 pleasure of the governor. The state geologist shall be registered as a
14 geologist by the ~~state board of technical registration~~ REGISTRAR OF
15 CONTRACTORS, a graduate of an accredited institution and otherwise qualified
16 by education and experience to direct the research and information functions
17 of the Arizona geological survey.

18 B. The state geologist may organize the Arizona geological survey into
19 such administrative units, and employ such permanent, temporary, part-time
20 and volunteer professional and support staff, as necessary to achieve the
21 objectives and promote the policies prescribed by this article.

22 C. The state geologist may:

23 1. Retain the services of faculty members or students, and shall have
24 reasonable access to the data and other resources, of the university of
25 Arizona or any other state university in this state to conduct or supervise
26 research, experimentation or other related work of the Arizona geological
27 survey.

28 2. Organize field expeditions to perform work for the Arizona
29 geological survey using university students who are sufficiently advanced in
30 their study of geology to be able to perform satisfactory work.

31 3. Establish and appoint an advisory board consisting of independent
32 practicing geologists, university or college faculty, mining geologists and
33 others who use and rely on data, information and other services of the
34 Arizona geological survey.

35 D. The expenses of the Arizona geological survey shall be paid by
36 annual appropriation from the state general fund and as otherwise provided by
37 this article.

38 E. For purposes of this article, "mineral resources" means all
39 metallic, nonmetallic and energy resources, including coal, oil, natural gas,
40 geothermal resources, carbon dioxide and helium.

41 Sec. 5. Heading change

42 The article heading of title 32, chapter 1, article 1, is changed from
43 "BOARD OF TECHNICAL REGISTRATION" to "REGISTRAR OF CONTRACTORS".

1 Sec. 6. Section 32-101, Arizona Revised Statutes, is amended to read:

2 32-101. Purpose: definitions

3 A. The purpose of this chapter is to provide for the safety, health
4 and welfare of the public through the promulgation and enforcement of
5 standards of qualification for those individuals registered or certified and
6 seeking registration or certification pursuant to this chapter.

7 B. In this chapter, unless the context otherwise requires:

8 1. "Advertising" includes business cards, signs or letterhead provided
9 by a person to the public.

10 2. "Architect" means a person who, by reason of knowledge of the
11 mathematical and physical sciences and the principles of architecture and
12 architectural engineering acquired by professional education and practical
13 experience, is qualified to engage in the practice of architecture as
14 attested by registration as an architect.

15 3. "Architect-in-training" means a candidate for registration as a
16 professional architect who is a graduate of a school approved by the ~~board~~
17 ~~REGISTRAR~~ or who has five years or more of education or experience, or both,
18 in architectural work which meets standards specified by the ~~board~~ ~~REGISTRAR~~
19 in its rules. In addition, the candidate shall have passed the
20 architect-in-training examination.

21 4. "Architectural practice" means any professional service or creative
22 work requiring architectural education, training and experience, and the
23 application of the mathematical and physical sciences and the principles of
24 architecture and architectural engineering to such professional services or
25 creative work as consultation, evaluation, design and review of construction
26 for conformance with contract documents and design, in connection with any
27 building, planning or site development. A person shall be deemed to practice
28 or offer to practice architecture who in any manner represents that the
29 person is an architect, or is able to perform any architectural service or
30 other services recognized by educational authorities as architecture.

31 5. "Assayer" means a person who analyzes metals, ores, minerals, ~~or~~
32 alloys in order to ascertain the quantity of gold or silver or any other
33 substance present in them. A person employed on a full-time basis as an
34 assayer by an employer engaged in the business of developing, mining or
35 treating ores or other minerals shall not be deemed to be engaged in assaying
36 practice for the purposes of this chapter if the person engages in assaying
37 practice exclusively for and as an employee of such employer and does not
38 represent that the person is available and is not represented as being
39 available to perform any assaying services for anyone other than the person's
40 employer.

41 6. "Assayer-in-training" means a candidate for registration as a
42 professional assayer who is a graduate of a school and curriculum approved by
43 the ~~board~~ ~~REGISTRAR~~ or who has four years or more of education or experience,
44 or both, in assaying work which meets standards specified by the ~~board~~

1 REGISTRAR in its rules. In addition, the candidate shall have passed the
2 assayer-in-training examination.

3 7. "Assaying practice" means any professional service or work
4 requiring assaying education, training and experience and the application of
5 special knowledge of the mineral sciences to such service or work as
6 consultation and the evaluation of minerals. A person is deemed to practice
7 or offer to practice assaying who in any manner represents that the person is
8 an assayer or is able to perform any assaying service or other services
9 recognized by educational authorities as assaying.

10 ~~8. "Board" means the state board of technical registration.~~

11 ~~9.~~ 8. "Certified remediation specialist" means a person who has been
12 certified by the ~~board~~ REGISTRAR to perform, supervise and review
13 environmental remediations if the use of a certified remediation specialist
14 is specifically authorized by title 49 and rules adopted pursuant to
15 title 49.

16 ~~10.~~ 9. "Drug laboratory site remediation firm" means a firm that is
17 licensed by the registrar of contractors pursuant to chapter 10 of this title
18 and that performs remediation of residual contamination from the manufacture
19 of methamphetamine, ecstasy or LSD or the storage of chemicals or equipment
20 used in manufacturing methamphetamine, ecstasy or LSD. For the purposes of
21 this paragraph:

22 (a) "Ecstasy" has the same meaning prescribed in section 13-3401,
23 paragraph 6 and includes any of the precursor chemicals, regulated chemicals,
24 other substances or equipment used in the unlawful manufacture of the
25 dangerous drug.

26 (b) "LSD" has the same meaning prescribed in section 13-3401,
27 paragraph 6 and includes any of the precursor chemicals, regulated chemicals,
28 other substances or equipment used in the unlawful manufacture of the
29 dangerous drug.

30 (c) "Methamphetamine" has the same meaning prescribed in section
31 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated
32 chemicals, other substances or equipment used in the unlawful manufacture of
33 the dangerous drug.

34 ~~11.~~ 10. "Engineer" means a person who, by reason of special knowledge
35 of the mathematical and physical sciences and the principles and methods of
36 engineering analysis and design acquired by professional education and
37 practical experience, is qualified to practice engineering as attested by
38 registration as a professional engineer.

39 ~~12.~~ 11. "Engineering practice" means any professional service or
40 creative work requiring engineering education, training and experience and
41 the application of special knowledge of the mathematical, physical and
42 engineering sciences to such professional services or creative work as
43 consultation, research investigation, evaluation, planning, surveying as
44 defined in paragraph ~~22~~ 21, subdivisions (d) and (e), design, location,
45 development, and review of construction for conformance with contract

1 documents and design, in connection with any public or private utility,
2 structure, building, machine, equipment, process, work or project. Such
3 services and work include plans and designs relating to the location,
4 development, mining and treatment of ore and other minerals. A person shall
5 be deemed to be practicing or offering to practice engineering if the person
6 practices any branch of the profession of engineering, or by verbal claim,
7 sign, advertisement, letterhead, card or any other manner represents that the
8 person is a professional engineer, or is able to perform or does perform any
9 engineering service or other service recognized by educational authorities as
10 engineering. A person employed on a full-time basis as an engineer by an
11 employer engaged in the business of developing, mining and treating ores and
12 other minerals shall not be deemed to be practicing engineering for the
13 purposes of this chapter if the person engages in the practice of engineering
14 exclusively for and as an employee of such employer and does not represent
15 that the person is available and is not represented as being available to
16 perform any engineering services for persons other than the person's
17 employer.

18 ~~13-~~ 12. "Engineer-in-training" means a candidate for registration as a
19 professional engineer who is a graduate in an approved engineering curriculum
20 of four years or more of a school approved by the ~~board~~ REGISTRAR or who has
21 had four years or more of education or experience, or both, in engineering
22 work which meets standards specified by the ~~board~~ REGISTRAR in its rules. In
23 addition, the candidate shall have passed the engineer-in-training
24 examination.

25 ~~14-~~ 13. "Firm" means any individual or partnership, corporation or
26 other type of association, including the association of a nonregistrant and a
27 registrant who offers to the public professional services regulated by the
28 ~~board~~ REGISTRAR.

29 ~~15-~~ 14. "Geological practice" means any professional service or work
30 requiring geological education, training and experience, and the application
31 of special knowledge of the earth sciences to such professional services as
32 consultation, evaluation of mining properties, petroleum properties and
33 groundwater resources, professional supervision of exploration for mineral
34 natural resources including metallic and nonmetallic ores, petroleum and
35 groundwater, and the geological phases of engineering investigations.

36 ~~16-~~ 15. "Geologist" means a person, not of necessity an engineer, who
37 by reason of special knowledge of the earth sciences and the principles and
38 methods of search for and appraisal of mineral or other natural resources
39 acquired by professional education and practical experience is qualified to
40 practice geology as attested by registration as a professional geologist. A
41 person employed on a full-time basis as a geologist by an employer engaged in
42 the business of developing, mining or treating ores and other minerals shall
43 not be deemed to be engaged in geological practice for the purposes of this
44 chapter if the person engages in geological practice exclusively for and as
45 an employee of such employer and does not represent that the person is

1 available and is not represented as being available to perform any geological
2 services for persons other than the person's employer.

3 ~~17.~~ 16. "Geologist-in-training" means a candidate for registration as
4 a professional geologist who is a graduate of a school approved by the ~~board~~
5 REGISTRAR or who has had four years or more of education or experience, or
6 both, in geological work which meets standards specified by the ~~board~~
7 REGISTRAR in its rules. In addition, the candidate shall have passed the
8 geologist-in-training examination.

9 ~~18.~~ 17. "Home inspection" means a visual analysis for the purposes of
10 providing a professional opinion of the building, any reasonably accessible
11 installed components and the operation of the building's systems, including
12 the controls normally operated by the owner, for the following components of
13 a residential building of four units or less:

- 14 (a) Heating system.
- 15 (b) Cooling system.
- 16 (c) Plumbing system.
- 17 (d) Electrical system.
- 18 (e) Structural components.
- 19 (f) Foundation.
- 20 (g) Roof covering.
- 21 (h) Exterior and interior components.
- 22 (i) Site aspects as they affect the building.

23 ~~19.~~ 18. "Home inspection report" means a written report that is
24 prepared for compensation, that is issued after a home inspection and that
25 clearly describes and identifies the inspected systems, structures and
26 components of a completed dwelling and any visible major defects found to be
27 in need of immediate major repair and any recommendations for additional
28 evaluation by appropriate persons.

29 ~~20.~~ 19. "Home inspector" means an individual who is certified pursuant
30 to this chapter as a home inspector and who engages in the business of
31 performing home inspections and writing home inspection reports.

32 ~~21.~~ 20. "Home inspector-in-training" means a candidate for
33 certification as a home inspector who has completed a course of study
34 approved by the ~~board~~ REGISTRAR and is participating in a training program
35 that complies with standards recommended by the home inspector rules and
36 standards committee and approved by the ~~board~~ REGISTRAR.

37 ~~22.~~ 21. "Land surveying practice" means the performance of one or more
38 of the following professional services:

- 39 (a) Measurement of land to determine the position of any monument or
40 reference point which marks a property line, boundary or corner for the
41 purpose of determining the area or description of the land.
- 42 (b) Location, relocation, establishment, reestablishment, setting,
43 resetting or replacing of corner monuments or reference points which identify
44 land boundaries, rights-of-way or easements.

1 (c) Platting or plotting of lands for the purpose of subdividing.

2 (d) Measurement by angles, distances and elevations of natural or
3 artificial features in the air, on the surface and immediate subsurface of
4 the earth, within underground workings and on the surface or within bodies of
5 water for the purpose of determining or establishing their location, size,
6 shape, topography, grades, contours or water surface and depths, and the
7 preparation and perpetuation of field note records and maps depicting these
8 features.

9 (e) Setting, resetting or replacing of points to guide the location of
10 new construction.

11 ~~23.~~ 22. "Land surveyor" means a person who by reason of knowledge of
12 the mathematical and physical sciences, principles of land surveying and
13 evidence gathering acquired by professional education or practical
14 experience, or both, is qualified to practice land surveying as attested by
15 registration as a land surveyor. A person employed on a full-time basis as a
16 land surveyor by an employer engaged in the business of developing, mining or
17 treating ores or other minerals shall not be deemed to be engaged in land
18 surveying practice for purposes of this chapter if the person engages in land
19 surveying practice exclusively for and as an employee of such employer and
20 does not represent that the person is available and is not represented as
21 being available to perform any land surveying services for persons other than
22 the person's employer.

23 ~~24.~~ 23. "Land surveyor-in-training" means a candidate for registration
24 as a professional land surveyor who is a graduate of a school and curriculum
25 approved by the ~~board~~ REGISTRAR, or who has four years or more of education
26 or experience, or both, in land surveying work which meets standards
27 specified by the ~~board~~ REGISTRAR in its rules. In addition, the candidate
28 shall have passed the land surveyor-in-training examination.

29 ~~25.~~ 24. "Landscape architect" means a person who, by reason of
30 professional education or practical experience, or both, is qualified to
31 engage in the practice of landscape architecture as attested by registration
32 as a landscape architect.

33 ~~26.~~ 25. "Landscape architect-in-training" means a candidate for
34 registration as a professional landscape architect who is a graduate of a
35 school approved by the ~~board~~ REGISTRAR or who has had four years or more of
36 education or experience, or both, in landscape architectural work which meets
37 standards specified by the ~~board~~ REGISTRAR in its rules. In addition, the
38 candidate shall have passed the landscape architect-in-training examination.

39 ~~27.~~ 26. "Landscape architectural practice" means the performance of
40 professional services such as consultations, investigation, reconnaissance,
41 research, planning, design or responsible supervision in connection with the
42 development of land and incidental water areas where, and to the extent that,
43 the dominant purpose of such services is the preservation, enhancement or
44 determination of proper land uses, natural land features, ground cover and
45 planting, naturalistic and aesthetic values, the settings of and approaches

1 to buildings, structures, facilities or other improvements, natural drainage
2 and the consideration and the determination of inherent problems of the land
3 relating to erosion, wear and tear, light or other hazards. This practice
4 shall include the location and arrangement of such tangible objects and
5 features as are incidental and necessary to the purposes outlined in this
6 paragraph but shall not include the making of cadastral surveys or final land
7 plats for official recording or approval, nor mandatorily include planning
8 for governmental subdivisions.

9 ~~28-~~ 27. "On-site supervisor" means the employee of a drug laboratory
10 site remediation firm who is authorized to oversee on-site workers in the
11 performance of their duties.

12 ~~29-~~ 28. "On-site worker" means an employee of a drug laboratory site
13 remediation firm who has on-site duties or who handles contaminated
14 materials, chemicals or contaminated equipment.

15 ~~30-~~ 29. "Person" means any individual, firm, partnership, corporation,
16 association or other organization.

17 ~~31-~~ 30. "Principal" means an individual who is an officer of the
18 corporation or is designated by a firm as having full authority and
19 responsible charge of the services offered by the firm.

20 ~~32-~~ 31. "Registrant" means a person registered or certified by the
21 ~~board~~ REGISTRAR.

22 32. "REGISTRAR" MEANS THE REGISTRAR OF CONTRACTORS.

23 33. "Registration" means a registration or certification issued by the
24 ~~board~~ REGISTRAR.

25 Sec. 7. Repeal

26 Sections 32-102, 32-103, 32-104 and 32-105, Arizona Revised Statutes,
27 are repealed.

28 Sec. 8. Section 32-106, Arizona Revised Statutes, is amended to read:

29 32-106. Powers and duties

30 A. The ~~board~~ REGISTRAR shall:

31 1. Adopt rules for the conduct of its meetings and performance of
32 duties imposed upon it by law.

33 2. Adopt an official seal for attestation of certificates of
34 registration and other official papers and documents.

35 3. Consider and pass upon applications for registration or
36 certification.

37 4. Conduct examinations for in-training and professional registration.

38 5. Hear and pass upon complaints or charges or direct an
39 administrative law judge to hear and pass on complaints and charges.

40 6. Compel attendance of witnesses, administer oaths and take testimony
41 concerning all matters coming within its jurisdiction. In exercising these
42 powers, the ~~board~~ REGISTRAR may issue subpoenas for the attendance of
43 witnesses and the production of books, records, documents and other evidence
44 it deems relevant to an investigation or hearing.

1 7. Keep a record of its proceedings.

2 8. Keep a register, which shall show the date of each application for
3 registration or certification, the name of the applicant, the practice or
4 branch of practice in which the applicant has applied for registration, if
5 applicable, and the disposition of the application.

6 9. Do other things necessary to carry out the purposes of this
7 chapter.

8 B. The ~~board~~ REGISTRAR shall specify the proficiency designation in
9 the branch of engineering in which the applicant has designated proficiency
10 on the certificate of registration and renewal card issued to each registered
11 engineer and shall authorize the engineer to use the title of registered
12 professional engineer. The ~~board~~ REGISTRAR shall decide what branches of
13 engineering it shall recognize.

14 C. The ~~board~~ REGISTRAR may hold membership in and be represented at
15 national councils or organizations of proficiencies registered under this
16 chapter and may pay the appropriate membership fees. The ~~board~~ REGISTRAR may
17 conduct standard examinations on behalf of national councils and may
18 establish fees for those examinations.

19 D. The ~~board~~ REGISTRAR may employ and pay on a fee basis persons,
20 including full-time employees of a state institution, bureau or department,
21 to prepare and grade examinations given to applicants for registration and
22 may fix the fee to be paid for these services. These employees are
23 authorized to prepare, grade and monitor examinations and perform other
24 services the ~~board~~ REGISTRAR authorizes, and to receive payment for these
25 services from the technical registration fund. The ~~board~~ REGISTRAR may
26 contract with an organization to administer the registration examination,
27 including selecting the test site, scheduling the examination, billing and
28 collecting the fee directly from the applicant and grading the examination if
29 a national council of which the ~~board~~ REGISTRAR is a member or a professional
30 association approved by the ~~board~~ REGISTRAR does not provide these services.
31 If a national council of which the ~~board~~ REGISTRAR is a member or a
32 professional association approved by the ~~board~~ REGISTRAR does provide these
33 services, the ~~board~~ REGISTRAR shall enter into an agreement with the national
34 council or professional association to administer the registration
35 examination.

36 E. The ~~board~~ REGISTRAR may rent necessary office space and pay the
37 cost of this office space from the technical registration fund.

38 F. The ~~board~~ REGISTRAR may adopt rules establishing rules of
39 professional conduct for registrants.

40 G. The ~~board~~ REGISTRAR may require evidence it deems necessary to
41 establish the continuing competency of registrants as a condition of renewal
42 of licenses.

43 H. The ~~board~~ REGISTRAR may employ persons as it deems necessary.

1 I. The ~~board~~ REGISTRAR shall issue a certificate and renewal card to
2 each drug laboratory site remediation firm, remediation supervisor and
3 on-site worker.

4 Sec. 9. Section 32-106.01, Arizona Revised Statutes, is amended to
5 read:

6 32-106.01. Petition for injunction

7 A. The superior court may issue an injunction immediately upon a
8 petition filed as provided in this section to enjoin ~~the practice of A PERSON~~
9 ~~FROM PRACTICING~~ any ~~board-regulated~~ profession or occupation ~~by any person~~
10 ~~REGULATED UNDER THIS CHAPTER IF THE PERSON IS~~ not registered or certified to
11 practice the occupations or exempt pursuant to this chapter from registration
12 requirements.

13 B. In a petition for injunction pursuant to subsection A of this
14 section, it shall be sufficient to charge that the respondent on a day
15 certain in a named county engaged in the practice of any ~~board-regulated~~
16 profession or occupation ~~REGULATED UNDER THIS CHAPTER~~ without a registration
17 and without being exempt pursuant to this chapter from registration
18 requirements. No showing of damage or injury shall be required.

19 C. Such petition shall be filed in the name of the state by the ~~board~~
20 REGISTRAR or at the request of the ~~board~~ REGISTRAR by the attorney general or
21 any county attorney in any county where the respondent resides or may be
22 found.

23 D. Issuance of an injunction shall not relieve the respondent from
24 being subject to any proceedings pursuant to section 32-145, or otherwise.
25 Any violation of an injunction shall be punished as contempt of court.

26 E. In all other respects, injunction proceedings pursuant to this
27 section shall be governed by title 12, chapter 10, article 1.

28 Sec. 10. Section 32-106.02, Arizona Revised Statutes, is amended to
29 read:

30 32-106.02. Authority to investigate; civil penalties

31 A. The ~~board~~ REGISTRAR may initiate a hearing pursuant to title 41,
32 chapter 6, article 10 on receipt of a complaint that a person who is not
33 exempt from this chapter and is not registered or certified under this
34 chapter is practicing, offering to practice or by implication purporting to
35 be qualified to practice any ~~board-regulated~~ profession or occupation
36 ~~REGULATED UNDER THIS CHAPTER~~. The ~~board~~ REGISTRAR shall give notice of the
37 hearing by mailing a copy of the complaint to the person's last known address
38 by certified mail return receipt requested.

39 B. If after the hearing the ~~board~~ REGISTRAR determines that based on
40 the evidence the person committed a violation under section 32-145, ~~it~~ ~~THE~~
41 REGISTRAR, in addition to any other sanction, action or remedy, shall issue
42 an order that imposes a civil penalty of no more than two thousand dollars
43 per violation.

44 C. In determining the amount of the civil penalty ~~it imposes~~, the
45 ~~board~~ REGISTRAR shall consider:

1 1. The seriousness of the violation.
2 2. The economic benefit to the violator that was generated by the
3 violator's commission of the violation.
4 3. The violator's history of violations.
5 4. Any other considerations the ~~board~~ REGISTRAR deems appropriate.
6 D. Except as provided in section 41-1092.08, subsection H, a person
7 may seek judicial review of a final administrative decision made or order
8 issued pursuant to this section pursuant to title 12, chapter 7, article 6.
9 E. If a person fails to pay a civil penalty that the ~~board~~ REGISTRAR
10 imposes within thirty days after the ~~board~~ REGISTRAR issues the order or if
11 the order is stayed pending appeal within ten days after the court enters a
12 final judgment in favor of the ~~board~~ REGISTRAR, the ~~board~~ REGISTRAR shall
13 notify the attorney general. The attorney general may commence a civil
14 action to recover the penalty.
15 F. An action to enforce an order that was issued under this section
16 may be combined with a petition for injunction under section 32-106.01.
17 G. The ~~board~~ REGISTRAR shall deposit, pursuant to sections 35-146 and
18 35-147, all civil penalties collected under this section in the state general
19 fund.
20 Sec. 11. Section 32-107, Arizona Revised Statutes, is amended to read:
21 32-107. Registrar; duties
22 ~~A. The board may employ an executive director to conduct~~
23 ~~investigations and carry out the purposes of this chapter.~~
24 ~~B. The executive director~~ REGISTRAR shall be the custodian of the
25 records of the ~~board~~ REGISTRAR, receive applications for registration ~~and lay~~
26 ~~them before the board~~, file complaints with the proper officials against
27 violators of any provision of this chapter, assist in the prosecution of such
28 cases and perform other duties the ~~board prescribes~~ REGISTRAR DEEMS NECESSARY
29 TO CONDUCT INVESTIGATIONS AND CARRY OUT THE PURPOSES OF THIS CHAPTER.
30 ~~C. The executive director is eligible to receive compensation as~~
31 ~~determined pursuant to section 38-611.~~
32 Sec. 12. Section 32-108, Arizona Revised Statutes, is amended to read:
33 32-108. Annual report; filing copies of lists of registrants
34 In January of each year the ~~board~~ REGISTRAR shall make a report to the
35 governor which shall be accompanied by a copy of the list of registrants. A
36 copy of the list shall also be filed with the secretary of state, and with
37 the clerk of the board of supervisors of each county.
38 Sec. 13. Section 32-109, Arizona Revised Statutes, is amended to read:
39 32-109. Technical registration fund
40 A. Pursuant to sections 35-146 and 35-147, the ~~executive director~~
41 REGISTRAR shall deposit ten per cent of all fees or other revenues received
42 by the ~~board~~ REGISTRAR in the state general fund to assist in defraying the
43 cost of maintaining the state government and shall deposit the remaining
44 ninety per cent in a separate fund, known as the technical registration fund,

1 to be used only in defraying expenses of the ~~board~~ REGISTRAR and in
2 prosecuting violations of this chapter.

3 B. Monies deposited in the technical registration fund shall be
4 subject to ~~the provisions of~~ section 35-143.01.

5 Sec. 14. Section 32-110, Arizona Revised Statutes, is amended to read:

6 32-110. Immunity from personal liability

7 ~~Members,~~ Agents and employees of the ~~board~~ REGISTRAR, members of
8 advisory committees and statutorily established committees of the ~~board~~
9 REGISTRAR and registrants volunteering professional services to emergency
10 services personnel at the scene of a disaster as part of an authorized ~~board~~
11 REGISTRAR program are immune from personal liability with respect to acts
12 done and actions taken in good faith within the scope of their authority.

13 Sec. 15. Section 32-111, Arizona Revised Statutes, is amended to read:

14 32-111. Home inspector rules and standards committee

15 A. A home inspector rules and standards committee of the ~~state board~~
16 ~~of technical registration~~ REGISTRAR is established and consists of:

17 1. Three home inspectors, one of whom is a resident of a county with a
18 population of four hundred thousand persons or less, appointed by the ~~board~~
19 REGISTRAR from a list of names any home inspector organization provides if
20 the home inspector organization meets all of the following criteria:

21 (a) Has at least fifty members actively engaged in the practice of
22 home inspection in this state.

23 (b) Holds regular elections.

24 (c) Publishes bylaws.

25 (d) Maintains a code of ethics.

26 2. ~~Two members of the board of technical registration including:~~

27 ~~(a) An architect or engineer member of the board appointed by the~~
28 ~~chairman.~~

29 ~~(b) 3. The A public member.~~

30 B. The ~~board~~ REGISTRAR may make appointments of home inspectors to the
31 committee from the lists provided pursuant to subsection A, paragraph 1 of
32 this section or from others having the necessary qualifications.

33 C. The ~~board~~ REGISTRAR appointed members serve staggered three year
34 terms. These members shall be home inspectors, shall each have at least five
35 years of experience as a home inspector and shall have passed the examination
36 prescribed in section 32-122.02. The ~~board~~ REGISTRAR by a majority vote may
37 remove any member for misconduct, incapacity or neglect of duty and may
38 appoint a new member to complete a term.

39 D. The committee is responsible for drafting and recommending to the
40 ~~board of technical registration~~ REGISTRAR:

41 1. Criteria for home inspector certification.

42 2. Standards for home inspection reports.

43 3. Standards for written examinations.

44 4. Standards for educational programs, including course of study, home
45 inspector-in-training programs and continuing education.

1 5. Rules defining conduct.

2 6. Recommendations for types of financial assurances as required in
3 section 32-122.02.

4 7. Other rules and standards related to the practice of home
5 inspectors.

6 E. The committee shall make its initial recommendations within six
7 months ~~of~~ AFTER appointment or the ~~board~~ REGISTRAR may proceed without these
8 recommendations. Thereafter the committee shall make recommendations within
9 six months ~~of~~ AFTER a ~~board~~ REGISTRAR request for recommendations. The
10 committee may initiate recommendations at any time it deems appropriate.

11 F. The committee may participate in the investigation and review of
12 home inspector complaints as provided by the ~~board~~ REGISTRAR.

13 G. Members of the home inspectors rules and standards committee are
14 eligible to receive compensation pursuant to title 38, chapter 4, article 1.

15 Sec. 16. Section 32-112, Arizona Revised Statutes, is amended to read:
16 32-112. Environmental remediation rules and standards committee

17 A. An environmental remediation rules and standards committee of the
18 ~~board~~ REGISTRAR is established and consists of:

19 1. One industrial hygienist or toxicologist who is experienced in
20 sampling and monitoring and indoor air quality issues and who is appointed by
21 the ~~board~~ REGISTRAR.

22 2. One person who is experienced in operating a drug laboratory
23 remediation firm and who is appointed by the ~~board~~ REGISTRAR.

24 3. One representative from the department of health services
25 experienced in indoor air quality who is appointed by the director of the
26 department of health services.

27 4. One registered engineer or geologist who is experienced in
28 environmental remediation and who is appointed by the ~~board~~ REGISTRAR.

29 5. ~~One member of the board who is~~ An engineer or ~~a~~ geologist.

30 B. The initial members shall assign themselves by lot to terms of one,
31 two and three years in office. All subsequent members serve three year terms
32 of office. The ~~board by a majority vote~~ REGISTRAR may remove any member for
33 misconduct, incapacity or neglect of duty.

34 C. The committee may participate in the investigation and review of
35 drug laboratory remediation complaints as authorized by the ~~board~~ REGISTRAR.

36 D. The committee is responsible for drafting and recommending to the
37 ~~board~~ REGISTRAR best practices and standards for remediation of residual
38 contamination found on real property from the manufacture of methamphetamine,
39 ecstasy or LSD or the storage of chemicals or equipment used in manufacturing
40 methamphetamine, ecstasy or LSD.

41 Sec. 17. Section 32-121, Arizona Revised Statutes, is amended to read:
42 32-121. Certificate or registration required for practice

43 A person or firm desiring to practice any ~~board regulated~~ profession or
44 occupation REGULATED UNDER THIS CHAPTER shall first secure a certificate or

1 registration and shall comply with all the conditions prescribed in this
2 chapter.

3 Sec. 18. Section 32-122, Arizona Revised Statutes, is amended to read:
4 32-122. Qualifications for in-training registration

5 A. An applicant for in-training registration as an architect,
6 engineer, geologist or landscape architect shall:

- 7 1. Be of good moral character and repute.
- 8 2. Be a graduate of a school approved by the ~~board~~ REGISTRAR or have
9 four years or more, or if an applicant for in-training registration as an
10 architect, five years or more, of education or experience, or both, in work
11 in the profession in which registration is sought that meets standards
12 specified by the ~~board~~ REGISTRAR in its rules.

13 3. Unless exempt under section 32-126, subsection D, pass the
14 in-training examination in the profession in which registration is sought.

15 B. An applicant for in-training registration as an assayer or land
16 surveyor shall:

- 17 1. Be of good moral character and repute.
- 18 2. Be a graduate of a school and curriculum approved by the ~~board~~
19 REGISTRAR, or have four years or more of education or experience, or both, in
20 work in the profession in which registration is sought that meets standards
21 specified by the ~~board~~ REGISTRAR in its rules.

22 3. Unless exempt under section 32-126, subsection D, pass the
23 in-training examination in the profession in which registration is sought.

24 C. An applicant for in-training registration as a home
25 inspector-in-training shall ~~:-~~

- 26 ~~1. Be of good moral character and repute.~~
- 27 ~~2.~~ meet the requirements of section 32-122.02, subsection A,
28 paragraphs 1 through 7.

29 Sec. 19. Section 32-122.01, Arizona Revised Statutes, is amended to
30 read:

31 32-122.01. Qualifications for professional registration

32 A. An applicant for professional registration as an architect,
33 engineer, geologist or landscape architect shall:

- 34 1. Be of good moral character and repute.
- 35 2. Be actively engaged in education or experience, or both, in the
36 profession for which registration is sought for at least eight years.

37 3. Unless exempt under section 32-126, pass the in-training and
38 professional examinations in the profession in which registration is sought.

39 B. An applicant for professional registration as an assayer or land
40 surveyor shall:

- 41 1. Be of good moral character and repute.
- 42 2. Be actively engaged in education or experience, or both, in the
43 profession for which registration is sought for at least six years.

44 3. Unless exempt under section 32-126, pass the in-training and
45 professional examinations in the profession in which registration is sought.

1 C. In computing the period of active engagement required under this
2 section:

3 1. Each year of study satisfactorily completed in an architectural,
4 engineering, geological or landscape architectural school approved by the
5 ~~board~~ REGISTRAR is equivalent to one year of active engagement up to a
6 maximum of five years. One year or more of teaching architectural,
7 engineering, geological or landscape architectural subjects in a school
8 approved by the ~~board~~ REGISTRAR is equivalent to one year of active
9 engagement.

10 2. Each year of study satisfactorily completed in an assaying or land
11 surveying curriculum and school approved by the ~~board~~ REGISTRAR is considered
12 equivalent to one year of active engagement up to a maximum of four years.
13 One year or more of teaching assaying or land surveying or other courses
14 approved by the ~~board~~ REGISTRAR as pertinent to the profession in which
15 registration is sought in a school approved by the ~~board~~ REGISTRAR is
16 equivalent to one year of active engagement.

17 D. Except as provided in subsection E of this section, experience
18 credited by the ~~board~~ REGISTRAR under this section and sections 32-101,
19 32-122 and 32-126 must be attained under the direct supervision of a
20 professional who is satisfactory to the ~~board~~ REGISTRAR and registered in
21 this state, another state or a foreign country in the profession in which the
22 applicant is seeking registration, except that up to one year's experience
23 may be attained under the direct supervision of a professional who is
24 satisfactory to the ~~board~~ REGISTRAR and registered in another profession
25 regulated under this chapter in this state, another state or a foreign
26 country.

27 E. ~~By two-thirds majority vote~~ The ~~board~~ REGISTRAR may allow an
28 applicant except for an architect applicant to meet the requirements of
29 subsection D of this section by crediting comparable experience satisfactory
30 to the ~~board~~ REGISTRAR that the applicant attained without direct supervision
31 of a registered professional.

32 Sec. 20. Section 32-122.02, Arizona Revised Statutes, is amended to
33 read:

34 32-122.02. Certification of home inspectors; insurance

35 A. An applicant for certification as a home inspector shall:

36 1. Be at least eighteen years of age.

37 2. Be of good moral character and repute.

38 3. Have passed within two years preceding application, or within five
39 years preceding application if the application is made by December 31, 2002,
40 a written examination that is approved by the ~~board~~ REGISTRAR and that meets
41 the competency standards recommended by the home inspector rules and
42 standards committee and adopted by the ~~board~~ REGISTRAR.

43 4. Have passed a course of study and a home inspector-in-training
44 program that meets the standards recommended by the home inspector rules and
45 standards committee and approved by the ~~board~~ REGISTRAR.

1 5. Pay a fee as determined by the ~~board~~ REGISTRAR and shall submit a
2 full set of fingerprints to the ~~board~~ REGISTRAR for the purpose of obtaining
3 a state and federal criminal records check pursuant to section 41-1750 and
4 Public Law 92-544. The department of public safety may exchange this
5 fingerprint data with the federal bureau of investigation. Any documents and
6 information relating to the state and federal criminal records check required
7 by this section are not public records.

8 6. Not have had a certificate denied or revoked pursuant to this
9 chapter within one year immediately preceding the application.

10 7. Have received an absolute discharge from sentence at least five
11 years before the application if the person has been convicted of one or more
12 felonies, provided the ~~board~~ REGISTRAR determines the applicant is of good
13 moral character and repute.

14 8. Provide evidence of the applicant's ability to obtain financial
15 assurance as provided by subsection B of this section.

16 B. Within sixty days after certification, a home inspector certified
17 pursuant to this chapter shall file one of the following financial assurances
18 pursuant to rules recommended by the home inspector rules and standards
19 committee and adopted by the ~~board~~ REGISTRAR:

20 1. Errors and omissions insurance for negligent acts committed in the
21 course of a home inspection in an amount of two hundred thousand dollars in
22 the aggregate and one hundred thousand dollars per occurrence.

23 2. A bond in the amount of twenty-five thousand dollars or proof that
24 minimum net assets have a value of at least twenty-five thousand dollars.

25 3. A financial assurance mechanism with a value of at least
26 twenty-five thousand dollars recommended by the home inspector rules and
27 standards committee and approved by the ~~board~~ REGISTRAR.

28 C. If a home inspector loses or otherwise fails to maintain a required
29 financial assurance, the certification shall be automatically suspended and
30 shall be reinstated if a financial assurance is obtained within ninety days.
31 If a financial assurance is not obtained within ninety days, the
32 certification shall be automatically revoked.

33 D. A home inspector is subject to this chapter and rules adopted
34 pursuant to this chapter.

35 Sec. 21. Section 32-122.03, Arizona Revised Statutes, is amended to
36 read:

37 32-122.03. Certification of on-site supervisors

38 A. An applicant for certification as an on-site supervisor shall be
39 all of the following:

40 1. At least eighteen years of age.

41 2. Of good moral character and repute.

42 3. Trained pursuant to state and federal occupational safety and
43 health administration regulations in addition to annual renewal training
44 required for the handling of and exposure to contaminated materials,

1 chemicals or contaminated equipment and other requirements as prescribed by
2 the ~~board~~ REGISTRAR.

3 B. An applicant for certification as an on-site supervisor shall file
4 an application on a form provided by the ~~board~~ REGISTRAR. The application
5 shall include proof that the applicant has successfully completed the
6 requirements of subsection A, paragraph 3.

7 Sec. 22. Section 32-122.04, Arizona Revised Statutes, is amended to
8 read:

9 32-122.04. Certification of on-site workers

10 A. An applicant for certification as an on-site worker shall be all of
11 the following:

12 1. At least eighteen years of age.

13 2. Of good moral character and repute.

14 3. Trained pursuant to state and federal occupational safety and
15 health administration regulations in addition to annual renewal training
16 required for the handling of and exposure to contaminated materials,
17 chemicals or contaminated equipment and other requirements as prescribed by
18 the ~~board~~ REGISTRAR.

19 B. An applicant for certification as an on-site worker shall file an
20 application on a form provided by the ~~board~~ REGISTRAR. The application shall
21 include proof that the applicant has successfully completed the requirements
22 of subsection A, paragraph 3.

23 Sec. 23. Section 32-123, Arizona Revised Statutes, is amended to read:

24 32-123. Application for registration and certification

25 A. A person desiring to practice any ~~board-regulated~~ profession or
26 occupation ~~REGULATED UNDER THIS CHAPTER~~ shall make application for
27 registration or certification on a form prescribed by the ~~board~~ REGISTRAR,
28 subscribed under penalty of perjury and accompanied by the appropriate
29 application fee prescribed by the ~~board~~ REGISTRAR. If the evidence submitted
30 satisfies the ~~board~~ REGISTRAR that the applicant is fully qualified to
31 practice the profession or occupation for which registration or certification
32 is asked, ~~it~~ THE REGISTRAR shall grant the applicant a certificate of
33 registration or certification, signed by the ~~chairman and secretary~~ REGISTRAR
34 and attested by the official seal. If the applicant seeks registration as a
35 professional engineer, the certificate of registration shall list the
36 proficiency designation in the branch of engineering in which the applicant
37 has demonstrated proficiency.

38 B. A registered professional engineer who desires to practice land
39 surveying shall apply for professional registration as a land surveyor and
40 satisfy the requirements set forth in section 32-122.01, subsection B.

41 C. If in the judgment of the ~~board~~ REGISTRAR the applicant has not
42 furnished satisfactory evidence of qualifications for registration or
43 certification, ~~it~~ THE REGISTRAR may require additional data or may require
44 the applicant to submit to an additional oral or written examination
45 specified by the ~~board in its rules~~ REGISTRAR BY RULE.

1 D. If the application is denied, the application fee shall be
2 returned, less the cost of considering the application, as determined by the
3 ~~board~~ REGISTRAR.

4 Sec. 24. Section 32-124, Arizona Revised Statutes, is amended to read:
5 32-124. Schedule of fees; exemption

6 A. The ~~board~~ REGISTRAR shall establish a schedule of fees for the
7 following:

- 8 1. Examinations.
- 9 2. Applications.
- 10 3. Renewals.
- 11 4. ~~Board~~ REGISTRAR publications.
- 12 5. Computer printouts of names of registrants.
- 13 6. Photocopies.
- 14 7. Copies of audiotapes, videotapes, computer discs or other media
15 used for recording sounds, images or information.
- 16 8. Replacement certificates of registration.
- 17 9. Review of examinations.
- 18 10. Regrading of examinations.
- 19 11. Returned checks.

20 B. The ~~board~~ REGISTRAR is exempt from the requirements of title 41,
21 chapter 6 in establishing a fee schedule for the fees in subsection A,
22 paragraphs 1, 2, 3, 9 and 10.

23 Sec. 25. Section 32-125, Arizona Revised Statutes, is amended to read:
24 32-125. Seals for registrants

25 A. The ~~board~~ REGISTRAR shall adopt and prescribe seals for use by
26 registrants who are required by the ~~board~~ REGISTRAR to use seals. Each seal
27 shall bear the name of the registrant and shall state the profession in which
28 the registrant is permitted to practice and, in the case of engineering, the
29 branch or branches of engineering in which the registrant has demonstrated
30 proficiency, and other data the ~~board~~ REGISTRAR deems pertinent.

31 B. Plans, specifications, plats or reports prepared by a registrant or
32 a registrant's bona fide employee shall be issued under the registrant's seal
33 if the ~~board~~ REGISTRAR requires the registrant to use a seal.

34 C. It is unlawful for a registrant whose certificate has expired or
35 has been revoked or suspended to use the seal.

36 D. It is unlawful for any nonregistrant to cause or permit the illegal
37 use of a registrant's seal, signature or stamp on any document prepared by
38 the nonregistrant.

39 E. If the ~~board~~ REGISTRAR requires a registrant to use a seal, the
40 registrant is responsible for all documents that the registrant signs, stamps
41 or seals, including those documents prepared by the registrant's bona fide
42 employee.

1 Sec. 26. Section 32-126, Arizona Revised Statutes, is amended to read:

2 32-126. Exemptions from examination requirement

3 A. The ~~board~~ REGISTRAR shall waive the examination requirement for an
4 applicant, other than an applicant for professional registration as a land
5 surveyor, who satisfies any one of the following:

6 1. Holds a valid certificate of registration in good standing issued
7 by another state or foreign country which has or had requirements for
8 registration substantially identical to those of this state.

9 2. Holds a certificate of qualification in good standing issued by a
10 national bureau of registration or certification recognized by the ~~board~~
11 REGISTRAR.

12 3. Has been actively engaged in another state or foreign country as a
13 professional registrant in the profession in which registration is sought for
14 at least ten years and holds a valid certificate of registration in good
15 standing issued by that state or country.

16 B. A registered professional engineer who holds a proficiency
17 designation in one branch of engineering in this state and seeks an
18 additional or different proficiency designation shall submit evidence to the
19 ~~board~~ REGISTRAR of either:

20 1. Four years of experience acceptable to the ~~board~~ REGISTRAR as a
21 registered professional engineer practicing in that branch of engineering in
22 which the person seeks the proficiency designation.

23 2. Successful completion of the professional examination in the branch
24 of engineering in which the applicant seeks the proficiency designation.

25 C. An applicant for professional registration as a land surveyor who
26 satisfies any one of the requirements of subsection A shall pass the part of
27 the professional land surveyor examination relating to surveying methods and
28 legal principles in this state prescribed by the ~~board in its rules~~ REGISTRAR
29 BY RULE.

30 D. The ~~board~~ REGISTRAR shall exempt an applicant from the in-training
31 examination if the applicant is a graduate of a school and curriculum
32 approved by the ~~board~~ REGISTRAR and has been actively engaged in experience
33 in the profession for which registration is sought for at least twelve years
34 after graduation.

35 Sec. 27. Section 32-127, Arizona Revised Statutes, is amended to read:

36 32-127. Renewal of certification or registration; delinquency
37 penalty; inactive status; renewal fees; home
38 inspector-in-training requirement

39 A. The ~~board~~ REGISTRAR shall establish a system for renewing
40 certification or registration.

41 B. Certificates of registration or certification are invalid after
42 their expiration date unless renewed by payment of the required renewal
43 fee. If the renewal fee is not paid prior to the expiration date, it shall
44 be accompanied by a penalty fee equal to one-sixth of the renewal fee for
45 each year or fraction of a year of delinquency.

1 C. The ~~board~~ REGISTRAR shall cancel a certificate of registration or
2 certification if it has remained invalid for one renewal period and shall
3 require a new application, accompanied by the application fee for
4 reregistration or recertification.

5 D. A registrant ~~or certificate holder~~ shall not practice, offer to
6 practice or advertise if the certificate of registration or the certification
7 is inactive or invalid.

8 E. A registrant ~~or certificate holder~~ who retires from the active
9 practice of any ~~board regulated~~ profession or occupation REGULATED UNDER THIS
10 CHAPTER or who is not currently practicing that ~~board~~ REGISTRAR regulated
11 profession or occupation in this state may request that the ~~board~~ REGISTRAR
12 place the registrant's certificate of registration or certification on
13 inactive status. The registrant shall submit the request in writing to the
14 ~~board~~ REGISTRAR.

15 F. If the ~~board~~ REGISTRAR has invalidated, pursuant to subsection B of
16 this section, the certificate of registration of a registrant who seeks to
17 place the certificate of registration on inactive status, the registrant
18 shall submit all penalty fees that are due with the registrant's application
19 for inactive status.

20 G. A registrant shall not place the registrant's certificate of
21 registration on inactive status if the person's certificate of registration
22 has been canceled by the ~~board~~ REGISTRAR pursuant to subsection C of this
23 section.

24 H. A registrant who holds an inactive certificate of registration may
25 apply to the ~~board~~ REGISTRAR to reactivate the certificate of registration.
26 The ~~board~~ REGISTRAR shall reactivate an inactive certificate of registration
27 if the registrant submits a completed application on a form prescribed by the
28 ~~board~~ REGISTRAR and meets the qualifications for professional registration
29 set forth in section 32-122.01. A registrant who seeks reactivation of the
30 registrant's certificate of registration and who has not been engaged in the
31 profession in which the registrant seeks reactivation for the five years
32 immediately preceding the date of the application for reactivation shall take
33 the applicable professional examination.

34 I. The ~~board~~ REGISTRAR shall establish the renewal fee for each
35 certificate or registration issued pursuant to this chapter.

36 J. The ~~board~~ REGISTRAR may not renew the registration of a home
37 inspector-in-training if the registrant has not passed within two years
38 preceding renewal application a written examination approved by the ~~board~~
39 REGISTRAR pursuant to section 32-122.02, subsection A, paragraph 3.

40 Sec. 28. Section 32-128, Arizona Revised Statutes, is amended to read:
41 32-128. Disciplinary action; letter of concern; judicial review

42 A. The ~~board~~ REGISTRAR may take the following disciplinary actions, in
43 combination or alternatively:

- 44 1. Revocation of a certification or registration.

1 2. Suspension of a certification or registration for a period of not
2 more than three years.

3 3. Imposition of an administrative penalty of not more than two
4 thousand dollars for each violation of this chapter or rules adopted pursuant
5 to this chapter.

6 4. Imposition of restrictions on the scope of the registrant's
7 practice.

8 5. Imposition of peer review and professional education requirements.

9 6. Imposition of probation requirements that are best adapted to
10 protect the public safety, health and welfare and that may include a
11 requirement for restitution payments to professional services clients or to
12 other persons suffering economic loss resulting from violations of this
13 chapter or rules adopted pursuant to this chapter.

14 7. Issuance of a letter of reprimand informing a person regulated
15 under this chapter of a violation of this chapter or rules adopted by the
16 ~~board~~ REGISTRAR.

17 B. The ~~board~~ REGISTRAR may issue a letter of concern if the ~~board~~
18 REGISTRAR believes there is insufficient evidence to support disciplinary
19 action against the registrant or home inspector but sufficient evidence for
20 the ~~board~~ REGISTRAR to notify the registrant or home inspector of the ~~board's~~
21 REGISTRAR'S concern. A letter of concern is a public document.

22 C. The ~~board~~ REGISTRAR may take disciplinary action against the holder
23 of a certificate or registration under this chapter who is charged with the
24 commission of any of the following acts:

25 1. Fraud or misrepresentation in obtaining a certificate of
26 qualification, whether in the application or qualification examination.

27 2. Gross negligence, incompetence, bribery or other misconduct in the
28 practice of the profession.

29 3. Aiding or abetting an unregistered or uncertified person to evade
30 this chapter or knowingly combining or conspiring with an unregistered or
31 uncertified person, or allowing one's registration or certification to be
32 used by an unregistered or uncertified person or acting as agent, partner,
33 associate or otherwise of an unregistered or uncertified person, with intent
34 to evade this chapter.

35 4. Violation of this chapter or ~~board~~ REGISTRAR rules.

36 5. Failing to pay a collaborating registered professional within seven
37 calendar days after the registrant receives payment from a client unless
38 specified otherwise contractually between the prime professional and the
39 collaborating registered professional. For the purposes of this paragraph,
40 "collaborating registered professional" means a registered professional with
41 whom the prime professional has a contract to perform professional services.

42 D. The ~~board~~ REGISTRAR may make investigations, employ investigators
43 and expert witnesses, appoint members of advisory committees and conduct
44 hearings to determine whether a disciplinary action should be taken against
45 the holder of a certificate or registration under this chapter.

1 E. An investigation may be initiated on receipt of an oral or written
2 complaint. The ~~board~~ REGISTRAR, on ~~its~~ THE REGISTRAR'S own motion, may
3 ~~direct the executive director to~~ file a verified complaint charging a person
4 with a violation of this chapter or ~~board~~ REGISTRAR rules and shall give
5 notice of the hearing pursuant to title 41, chapter 6, article 10. The
6 ~~secretary or executive director~~ REGISTRAR shall then serve upon the accused,
7 by either personal service or certified mail, a copy of the complaint
8 together with notice setting forth the charge or charges to be heard and the
9 time and place of the hearing, which shall not be less than thirty days after
10 the service or mailing of notice.

11 F. A person who has been notified of charges pending against the
12 person shall file with the ~~board~~ REGISTRAR an answer in writing to the
13 charges not more than thirty days after service of the complaint and notice
14 of hearing. If a person fails to answer in writing, it is deemed an
15 admission by the person of the act or acts charged in the complaint and
16 notice of hearing. The ~~board~~ REGISTRAR may then take disciplinary action
17 pursuant to this chapter without a hearing.

18 G. A disciplinary action may be informally settled by the ~~board~~
19 REGISTRAR and the accused either before or after initiation of hearing
20 proceedings.

21 H. On its determination that any person has violated this chapter or a
22 rule adopted pursuant to this chapter, the ~~board~~ REGISTRAR may assess the
23 person with ~~its~~ reasonable costs and expenses, including attorney fees,
24 incurred in conducting the investigation and administrative hearing. All
25 monies collected pursuant to this subsection shall be deposited, pursuant to
26 sections 35-146 and 35-147, in the technical registration fund established by
27 section 32-109 and shall only be used by the ~~board~~ REGISTRAR to defray ~~its~~
28 expenses in connection with investigation related training, disciplinary
29 investigations and hearings. Notwithstanding section 35-143.01, these monies
30 may be spent without legislative appropriation.

31 I. The ~~board~~ REGISTRAR shall immediately notify the secretary of state
32 and clerk of the board of supervisors of each county in the state of the
33 suspension or revocation of a certificate or of the reissuance of a suspended
34 or revoked certificate.

35 J. Except as provided in section 41-1092.08, subsection H, final
36 decisions of the ~~board~~ REGISTRAR are subject to judicial review pursuant to
37 title 12, chapter 7, article 6.

38 Sec. 29. Section 32-129, Arizona Revised Statutes, is amended to read:
39 32-129. Confidentiality

40 A. Examination material, file records of examination grading and
41 performance, transcripts of educational institutions, letters of inquiry and
42 reference concerning applicants and ~~board~~ REGISTRAR inquiry forms concerning
43 applicants are confidential and are not subject to inspection pursuant to
44 title 39, chapter 1, article 2.

1 B. Investigation files of any investigation are confidential and are
2 not subject to inspection pursuant to title 39, chapter 1, article 2 until
3 the matter is final, a hearing notice is issued pursuant to title 41, chapter
4 6, article 10 or the matter is settled by consent order. However, the
5 registrant shall be informed of the investigation and the public may obtain
6 information that an investigation is being conducted and of its general
7 nature.

8 C. Informal conferences held by advisory committees are confidential
9 and are not open to the public. All information, including any minutes or
10 reports created or obtained pursuant to an informal conference, is
11 confidential until the matter is final, a hearing notice is issued pursuant
12 to title 41, chapter 6, article 10 or the matter is settled by consent order.
13 ~~The board may discuss matters that are being reviewed by an advisory~~
14 ~~committee in open session but may not introduce confidential documents into~~
15 ~~public board records.~~

16 Sec. 30. Section 32-131, Arizona Revised Statutes, is amended to read:

17 32-131. Remediation specialist certification program

18 A. The remediation specialist certification program shall provide for
19 certification of persons who have a combined total of at least eight years of
20 appropriate education and professional experience in remediation, including
21 three years of experience supervising remediations. A person is deemed to
22 have appropriate education if the person has a baccalaureate degree in
23 biology, chemistry, environmental sciences, geology, hydrogeology,
24 engineering, earth sciences, soil sciences, toxicology, hazardous waste
25 management or hydrology, or other disciplines as established by the ~~board~~
26 **REGISTRAR** by rule.

27 B. A person desiring to practice as a remediation specialist pursuant
28 to title 49, chapter 1, article 4 shall apply for registration on a form
29 prescribed by the ~~board~~ **REGISTRAR**. Applicants shall pass examinations
30 required by the ~~board~~ **REGISTRAR** for certification under the program.

31 C. A person is not eligible for certification as a remediation
32 specialist if any of the following applies:

33 1. The person has been convicted of a felony involving a transaction
34 in securities or consumer fraud in any state or federal jurisdiction within
35 the seven year period immediately preceding the application.

36 2. The person has been convicted of a felony, the essential elements
37 of which consisted of fraud, misrepresentation or theft by false pretenses in
38 any state or federal jurisdiction within the seven year period immediately
39 preceding the application.

40 3. The person has been subject to an injunction, judgment, decree or
41 permanent order of any state or federal court within the seven year period
42 immediately preceding the application that related to a violation of fraud or
43 consumer fraud laws or a violation of securities law of that jurisdiction.

1 4. The person has been convicted of a felony or misdemeanor that had a
2 reasonable relationship to the person's occupation or to the environment
3 within the seven year period immediately preceding the application.

4 5. The person has violated any provision of this chapter or rules
5 adopted pursuant to this chapter.

6 D. Each applicant for certification shall pay a fee as determined by
7 the ~~board~~ REGISTRAR and shall submit a full set of fingerprints to the ~~board~~
8 REGISTRAR for the purpose of obtaining a state and federal criminal records
9 check pursuant to section 41-1750 and Public Law 92-544. The department of
10 public safety may exchange this fingerprint data with the federal bureau of
11 investigation.

12 E. Except for any documents and information relating to the state and
13 federal criminal records check prescribed by subsection D of this section,
14 documents and information provided to the ~~board of technical registration~~
15 REGISTRAR pursuant to this section are public records.

16 Sec. 31. Section 32-141, Arizona Revised Statutes, is amended to read:
17 32-141. Firm registration

18 A. A firm shall not engage in the practice of any ~~board regulated~~
19 profession or occupation REGULATED UNDER THIS CHAPTER unless the firm is
20 registered with the ~~board~~ REGISTRAR and the professional services are
21 conducted under the full authority and responsible charge of a principal of
22 the firm, who is also a registrant.

23 B. A person shall file a registration application for each branch
24 office that is located in this state and that is part of a firm registered
25 with the ~~board~~ REGISTRAR. The branch office application shall list a
26 designated registrant having full authority and responsible charge of the
27 professional services of that branch office. The designated registrant in a
28 branch office need not be a principal of the firm.

29 C. A firm wishing to offer professional services in this state shall
30 file with the ~~board~~ REGISTRAR an application for registration on a form
31 provided by the ~~board~~ REGISTRAR and accompanied by the appropriate
32 application fee as prescribed by the ~~board~~ REGISTRAR. Firms shall also
33 identify responsible registrants by the registrant's registration certificate
34 number. Each firm shall list a description of the services the firm is
35 offering to the public. The ~~board~~ REGISTRAR shall be notified in writing
36 within thirty days of any change occurring in the registered principals, any
37 change in the firm's name or address or any change in a branch office address
38 or designated registrant. A new application shall be filed each year by the
39 firm within thirty days of the anniversary date of the original firm
40 registration.

41 D. No firm may advertise its availability to perform home inspections
42 by home inspectors certified pursuant to this chapter unless each home
43 inspection is performed by a home inspector certified pursuant to this
44 chapter and each home inspection report is prepared as a result of the
45 inspector's on-site observation.

1 E. A drug laboratory site remediation firm shall provide both of the
2 following:

3 1. The name of the on-site supervisor who is authorized and
4 responsible for the services being offered.

5 2. Proof that the firm is licensed by the registrar of contractors
6 pursuant to chapter 10 of this title.

7 Sec. 32. Section 32-144, Arizona Revised Statutes, is amended to read:
8 32-144. Exemptions and limitations

9 A. Professions and occupations regulated by the ~~board~~ REGISTRAR may be
10 practiced without compliance with the requirements of this chapter by:

11 1. An officer or employee of the United States, practicing as such.

12 2. An employee of a registrant or of a person exempt from
13 registration, if such employment does not involve direct responsibility for
14 design, inspection or supervision.

15 3. A nonregistrant who designs, alters or adds to a detached single
16 family dwelling.

17 4. A nonregistrant who designs a one or two story building or
18 structure in which the square footage of the floor area measured to the
19 outside surface of the exterior walls does not exceed three thousand square
20 feet, that is not intended for occupancy by more than twenty persons on a
21 continuous basis and in which the maximum span of any structural member does
22 not exceed twenty feet unless a greater span is achieved by the use of wood
23 or steel roof or floor trusses or lintels approved by an engineer registered
24 by the ~~board~~ REGISTRAR.

25 5. A nonregistrant who designs additions or alterations to a one or
26 two story building or structure subject to the limitations set forth in
27 paragraph 4 of this subsection. A nonregistrant may exceed the maximum three
28 thousand square foot limitation set forth in paragraph 4 of this subsection
29 for a one-time single addition not exceeding one thousand five hundred square
30 feet as measured to the outside surface of the exterior walls and designed
31 for the purpose of storage of chattels.

32 6. A nonregistrant who designs a water or wastewater treatment plant,
33 or extensions, additions, modifications or revisions, or extensions to water
34 distribution or collection systems, if the total cost of such construction
35 does not exceed twelve thousand five hundred dollars.

36 7. A nonregistrant who designs buildings or structures to be erected
37 on property owned or leased by the nonregistrant or by a person, firm or
38 corporation, including a utility, telephone, mining or railroad company,
39 which employs the nonregistrant on a full-time basis, if the buildings or
40 structures are intended solely for the use of the owner or lessee of the
41 property, are not ordinarily occupied by more than twenty people, are not for
42 sale to, rental to or use by the public and conform to the building code
43 adopted by the city, town or county in which the building is to be erected or
44 altered.

1 8. A nonregistrant who provides horticultural consultations or
2 prepares planting plans for plant installations.

3 B. A registrant who performs any of the activities described in
4 subsection A, paragraphs 3 through 8 is subject to the requirements of this
5 chapter.

6 C. The requirements of this chapter shall not apply to work done by
7 any communications common carrier or its affiliates or any public service
8 corporation or manufacturing industry or by full-time employees of any of
9 them, provided such work is in connection with or incidental to the products,
10 systems or nonengineering services of such communications common carrier or
11 its affiliates or public service corporation or manufacturing industry, and
12 provided that the engineering service is not offered directly to the public.

13 D. An individual shall not perform home inspections unless the
14 individual is certified as a home inspector pursuant to this chapter, except
15 that nothing in this chapter prevents:

16 1. A person who is licensed, certified or registered pursuant to this
17 chapter or another chapter in this title from acting within the scope of the
18 person's license, certification or registration.

19 2. A person who is employed by a governmental entity from inspecting
20 residential structures if the inspection is within official duties and
21 responsibilities.

22 3. A person from performing a home inspection if the inspection will
23 be used solely by a bank, savings and loan association or credit union to
24 monitor progress on the construction of a residential structure, unless
25 otherwise required by federal law or regulation.

26 4. A person who is employed as a property manager for a residential
27 structure and whose official duties and responsibilities include inspecting
28 the residential structure from performing a home inspection on the structure
29 if the person does not receive separate compensation for the inspection work.

30 E. No person including a person described in subsection D may use any
31 letterhead, advertisement, communication or other device to represent that
32 the person is a home inspector unless the person is certified as a home
33 inspector pursuant to this chapter.

34 Sec. 33. Section 32-145, Arizona Revised Statutes, is amended to read:

35 32-145. Violations; classification

36 Any person who commits any of the following acts is guilty of a class 2
37 misdemeanor:

38 1. Practices, offers to practice or by any implication holds himself
39 out as qualified to practice any ~~board-regulated~~ profession or occupation
40 **REGULATED UNDER THIS CHAPTER** if the person is not registered or certified as
41 provided by this chapter.

42 2. Advertises or displays any card, sign or other device that may
43 indicate to the public that the person is certified or registered or is
44 qualified to practice any ~~board-regulated~~ profession or occupation **REGULATED**

1 UNDER THIS CHAPTER if the person is not certified or registered as provided
2 by this chapter.

3 3. Uses "certified", "professional certified", "professional", "PE",
4 "registered", "registered professional" or "professional registered" in
5 conjunction with any ~~board-regulated~~ profession or occupation REGULATED UNDER
6 THIS CHAPTER if the person is not certified or registered as provided by this
7 chapter.

8 4. Uses a certification or certificate of registration of another, or
9 uses an expired or revoked certification or certificate of registration.

10 5. Presents false evidence to the ~~board~~ REGISTRAR with the intent to
11 obtain a certification or a certificate of registration.

12 6. Otherwise violates any provision of this chapter.

13 Sec. 34. Section 32-146, Arizona Revised Statutes, is amended to read:
14 32-146. Malpractice claim review

15 A. On the filing of a complaint in any malpractice action, the
16 plaintiff's attorney shall forward a copy of the complaint to the ~~board~~
17 REGISTRAR and a report containing the information required in subsection B.

18 B. The report required by subsection A shall contain the following
19 information:

20 1. The name and address of each defendant.

21 2. The name and address of each plaintiff.

22 3. The ~~names~~ NAME and ~~addresses~~ ADDRESS of each registrant providing
23 services to the plaintiff.

24 4. A statement specifying the nature of the occurrence resulting in
25 the malpractice action.

26 C. The report required by subsection A is not discoverable and not
27 admissible as evidence.

28 D. On receipt of a report required by subsection A, the ~~board~~
29 REGISTRAR shall initiate an investigation into the matter to determine if the
30 registrant against whom the claim is filed is in violation of any provision
31 of this chapter or any rule ~~promulgated~~ ADOPTED under this chapter.

32 Sec. 35. Section 32-147, Arizona Revised Statutes, is amended to read:
33 32-147. Registrar reports; immunity

34 Any person may report to the ~~board~~ REGISTRAR any information the person
35 may have which appears to show grounds for disciplinary action under ~~the~~
36 ~~provisions-of~~ this chapter or rules of the ~~board~~ REGISTRAR. A person who
37 reports or provides information to the ~~board~~ REGISTRAR in good faith is not
38 subject to an action for civil damages as a result, and the person's name
39 shall not be disclosed if confidentiality is requested by the person, unless
40 the person's testimony is essential to the disciplinary proceedings conducted
41 under this section.

1 Sec. 36. Section 32-148, Arizona Revised Statutes, is amended to read:
2 32-148. Refusal to obey a subpoena; contempt

3 A person who refuses to obey a subpoena issued by the ~~board~~ REGISTRAR
4 shall be certified by the ~~board~~ REGISTRAR to the superior court in the county
5 in which service was made for contempt proceedings.

6 Sec. 37. Section 32-149, Arizona Revised Statutes, is amended to read:
7 32-149. Transcript copies; cost

8 The ~~board~~ REGISTRAR shall provide copies of the written transcript of a
9 hearing conducted under the authority of this chapter and all evidence
10 submitted to a person appealing a ~~board~~ REGISTRAR decision at that person's
11 expense and without charge to the court in which an appeal is taken.

12 Sec. 38. Section 32-150, Arizona Revised Statutes, is amended to read:
13 32-150. Failure to comply with registrar orders; penalty

14 Failure to comply with any final order of the ~~board~~ REGISTRAR,
15 including an order of censure or probation, is cause for suspension or
16 revocation of a license.

17 Sec. 39. Section 32-151, Arizona Revised Statutes, is amended to read:
18 32-151. Certify; certification

19 The use of the word "certify" or "certification" by a person or firm
20 that is registered or certified by the ~~board~~ REGISTRAR is an expression of
21 professional opinion regarding facts or findings that are the subject of the
22 certification and does not constitute an express or implied warranty or
23 guarantee.

24 Sec. 40. Section 32-152, Arizona Revised Statutes, is amended to read:
25 32-152. As built plans; definition

26 A. If a person or firm that is registered or certified by the ~~board~~
27 REGISTRAR is required to provide as built plans for improvements or grading,
28 and the plans show changes during the construction process, the following
29 apply:

30 1. If the registered or certified professional provided construction
31 phase services on the project that include supervision of the construction of
32 engineering structures, the plans shall be based on field observations of the
33 registered or certified professional or the professional's agents and
34 information received from the project owner, project contractors and public
35 agencies.

36 2. If the registered or certified professional did not provide
37 construction phase services on the project that include supervision of the
38 construction of engineering structures, the plans shall be based on
39 information received from the project owner, project contractors and public
40 agencies, but need not be based on a field verification or investigation of
41 the improvements or grades unless the registered or certified professional is
42 engaged to provide the field verification services.

43 3. The registered or certified professional shall not be required to
44 include a certificate or statement on as built plans that is inconsistent
45 with or varies from ~~the provisions of~~ this section.

1 B. For the purposes of this section, "as built plans" means plans that
2 document the registered or certified professional's final plans and that
3 include all changes made to the plans in the actual project construction. As
4 built plans include as constructed plans and record plans.

5 Sec. 41. Section 41-1092, Arizona Revised Statutes, is amended to
6 read:

7 41-1092. Definitions

8 In this article, unless the context otherwise requires:

9 1. "Administrative law judge" means an individual or an agency head,
10 board or commission that sits as an administrative law judge, that conducts
11 administrative hearings in a contested case or an appealable agency action
12 and that makes decisions regarding the contested case or appealable agency
13 action.

14 2. "Administrative law judge decision" means the findings of fact,
15 conclusions of law and recommendations or decisions issued by an
16 administrative law judge.

17 3. "Appealable agency action" means an action that determines the
18 legal rights, duties or privileges of a party and that is not a contested
19 case. Appealable agency actions do not include interim orders by
20 self-supporting regulatory boards or rules, orders, standards or statements
21 of policy of general application issued by an administrative agency to
22 implement, interpret or make specific the legislation enforced or
23 administered by it, nor does it mean or include rules concerning the internal
24 management of the agency that do not affect private rights or interests. For
25 the purposes of this paragraph, administrative hearing does not include a
26 public hearing held for the purpose of receiving public comment on a proposed
27 agency action.

28 4. "Director" means the director of the office of administrative
29 hearings.

30 5. "Final administrative decision" means a decision by an agency that
31 is subject to judicial review pursuant to title 12, chapter 7, article 6.

32 6. "Office" means the office of administrative hearings.

33 7. "Self-supporting regulatory board" means any one of the following:

34 (a) The ARIZONA state board of accountancy.

35 (b) The state board of appraisal.

36 (c) The board of barbers.

37 (d) The board of behavioral health examiners.

38 (e) The Arizona state boxing commission.

39 (f) The state board of chiropractic examiners.

40 (g) The board of cosmetology.

41 (h) The state board of dental examiners.

42 (i) The state board of funeral directors and embalmers.

43 (j) The Arizona game and fish commission.

44 (k) The board of homeopathic medical examiners.

45 (l) The Arizona medical board.

- 1 (m) The naturopathic physicians board of medical examiners.
- 2 (n) The state board of nursing.
- 3 (o) The board of examiners of nursing care institution administrators
- 4 and adult care home managers.
- 5 (p) The board of occupational therapy examiners.
- 6 (q) The state board of dispensing opticians.
- 7 (r) The state board of optometry.
- 8 (s) The Arizona board of osteopathic examiners in medicine and
- 9 surgery.
- 10 (t) The Arizona peace officer standards and training board.
- 11 (u) The Arizona state board of pharmacy.
- 12 (v) The board of physical therapy examiners.
- 13 (w) The state board of podiatry examiners.
- 14 (x) The state board for private postsecondary education.
- 15 (y) The state board of psychologist examiners.
- 16 (z) The board of respiratory care examiners.
- 17 (aa) The structural pest control commission.
- 18 ~~(bb) The state board of technical registration.~~
- 19 ~~(cc)~~ (bb) The Arizona state veterinary medical examining board.
- 20 ~~(dd)~~ (cc) The acupuncture board of examiners.
- 21 ~~(ee)~~ (dd) The Arizona regulatory board of physician assistants.
- 22 ~~(ff)~~ (ee) The board of athletic training.
- 23 ~~(gg)~~ (ff) The board of massage therapy.

24 Sec. 42. Section 41-3014.08, Arizona Revised Statutes, is amended to
25 read:

26 41-3014.08. Registrar of contractors agency: termination July
27 1, 2014

- 28 A. The registrar of contractors agency terminates on July 1, 2014.
- 29 B. Title 32, ~~chapter~~ CHAPTERS 1 AND 10 ~~is~~ ARE repealed on January 1,
- 30 2015.

31 Sec. 43. Repeal
32 Section 41-3016.11, Arizona Revised Statutes, is repealed.

33 Sec. 44. Section 49-218, Arizona Revised Statutes, is amended to read:
34 49-218. Definitions

- 35 In this article, unless the context otherwise requires:
- 36 1. "CERCLA brownfields cleanup revolving loan fund program" means the
 - 37 program established by the environmental protection agency to provide
 - 38 financial assistance in the form of loans or grants to eligible persons to
 - 39 remediate contamination at eligible sites as provided in section 104(k) of
 - 40 CERCLA and applicable guidance documents prepared by the environmental
 - 41 protection agency to implement this program.
 - 42 2. "Eligible activities" means removal as defined by section 101(23)
 - 43 of CERCLA and includes required engineering evaluations, cost analysis of
 - 44 cleanup alternatives, public participation requirements and reasonable and
 - 45 necessary site monitoring activities during the remediation.

1 3. "Eligible person" means a person who is eligible to receive a loan
2 or grant under the CERCLA brownfields cleanup revolving loan fund program.

3 4. "Eligible site" means a site that is a brownfields site as defined
4 by section 101(39) of CERCLA, that is within an area designated in a
5 cooperative agreement between the department and the environmental protection
6 agency and that is one of the following:

7 (a) Accepted into the department's voluntary remediation program.

8 (b) Subject to a remediation agreement with the department's water
9 quality assurance revolving fund program.

10 (c) Being addressed by a remediation specialist who is certified by
11 the ~~board of technical registration~~ REGISTRAR OF CONTRACTORS pursuant to
12 section 32-131.

13 (d) Being addressed through another program or oversight mechanism
14 that is approved by the department.

15 Sec. 45. Transfer of powers

16 A. As provided by this act, the registrar of contractors succeeds to
17 the authority, powers, duties and responsibilities of the state board of
18 technical registration.

19 B. This act does not alter the effect of any actions that were taken
20 or impair the valid obligations of the state board of technical registration
21 before the effective date of this act.

22 C. Administrative rules and orders that were adopted by the state
23 board of technical registration continue in effect until superseded by
24 administrative action by the registrar of contractors.

25 D. All administrative matters, contracts and judicial and
26 quasi-judicial actions, whether completed, pending or in process, of the
27 state board of technical registration on the effective date of this act are
28 transferred to and retain the same status with the registrar of contractors.

29 E. All certificates, licenses, registrations, permits and other
30 indicia of qualification and authority that were issued by the state board of
31 technical registration retain their validity for the duration of their terms
32 of validity as provided by law.

33 F. All equipment, records, furnishings and other property, all data
34 and investigative findings and all appropriated monies that remain unexpended
35 and unencumbered on the effective date of this act of the state board of
36 technical registration are transferred to the registrar of contractors.